

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Ron Kramer, an Arizona resident; Sal Abraham, a Florida resident; ThermoLife International LLC, an Arizona limited liability company,

CV 11-01965-PHX-JAT (Lead)

CV 11-02033-PHX-JAT (Cons)

Plaintiffs,

JUDGMENT

v.

Creative Compounds LLC, a Nevada limited liability company,

Defendant.

Creative Compounds LLC, a Nevada limited liability company,

Plaintiff,

v.

Ron Kramer, an Arizona resident; and Sal Abraham, a Florida resident,

Defendants.

On September 23, 2011, Creative Compounds LLC (“Creative”) filed a complaint in the Eastern District of Missouri seeking a declaratory judgment that Creative did not infringe U.S. Patent No. 7,919,533 B2 (“the ‘533 Patent”) and that the ‘533 Patent is invalid. (CV 11-02033, Doc. 1). In response, Ron Kramer, Sal Abraham and ThermoLife International LLC, (collectively, “Plaintiffs”) filed a complaint in this Court alleging that Creative infringes the ‘533 Patent, induces infringement of the ‘533 Patent, contributes to

1 infringement of the '533 Patent, and falsely advertises its products in violation 15 U.S.C.
2 § 1125(a)(1)(B). (CV 11-1965, Doc. 1). These two actions were eventually consolidated
3 and assigned to this Court (hereinafter "the Consolidated Action"). (CV 11-1965, Doc.
4 12).

5 On November 15, 2013, the Court entered its Order on the parties' motions for
6 summary judgment. (Doc. 71). The Court's Order resolved the claims and counterclaims
7 asserted in the Consolidated Action, with the exception for Count IV of Plaintiffs'
8 Complaint for false advertising. On December 16, 2013, the Court dismissed Count IV
9 based on the stipulation of the parties (Doc. 80).

10 Based on the foregoing, the Court grants the motion for entry of judgment (Doc.
11 78) and enters **JUDGMENT on all claims in both the lead and the consolidated case**
12 as follows:

13 1. Creative's claims that U.S. Patent No. 7,919,533 B2 is invalid are
14 dismissed with prejudice.

15 2. Plaintiffs' claim that Creative has induced infringement of U.S. Patent No.
16 7,919,533 B2 is dismissed with prejudice.

17 3. Plaintiffs' claims that Creative has directly infringed and/or committed
18 contributory infringement of U.S. Patent No. 7,919,533 B2 are dismissed as not ripe for
19 decision.

20 4. Consistent with the Order at Doc. 80, Plaintiffs' claim that Creative has
21 falsely advertised its product in violation 15 U.S.C. § 1125(a)(1)(B) is dismissed without
22 prejudice with both sides to bear their own attorneys' fees and costs on just this claim.

23 ///

24 ///

25 ///

26 ///

5. The matter of costs and attorneys' fees, as between the respective parties, shall be reserved pending the entry of a final decree in this cause.

Dated this 3rd day of January, 2014.

**James A. Teilborg
Senior United States District Judge**